IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.984 OF 2005
IN
NOTICE OF MOTION NO.2880 OF 2002
IN
PETITION NO.628 OF 2002

Ms.Bhanumati Jivraj Khimsuria .. Appellant

v/s.

Ashish Vijaykumar Doshi Shah
& ors. .. Respondents

Mr.Pankaj Gavli i/by Ms. U.M.Jhaveri for the appellant.

Mr.A.Y.Bookwala with Mr.V.M.Singh and Mr.N.N.Tated i/by M/s.Mahimtura & Co. for the respondent Nos.1 to 5 and 8.

CORAM : R.M.LODHA AND
D.G.KARNIK, JJ.

DATED : 29th November, 2005

P.C.

Heard.

2. During the course of motion hearing, Mr.A.Y.Bookwala, the learned counsel for the respondent Nos.1 to 5 and 8 made the offer on behalf of the respondents that they were ready and willing to deposit a sum of Rs.20,00,000/- to meet the monetary claim of the appellant if she succeeds in the testamentary petition.

3. We find the offer made on behalf of the respondents fair and reasonable and in view thereof, we are satisfied that no interference is called for in the impugned order.

4. We, accordingly, dispose of the appeal by following order:-

(i) The respondents shall deposit a sum of Rs.20,00,000/- with the Prothonotary & Senior Master of this court within four weeks from today.

(ii) The Prothonotary & Senior Master shall invest the said amount of Rs.20,00,000/- in the fixed deposit of any nationalised bank initially for a period of two years, renewable thereafter each time for the same period until the disposal of the testamentary petition.

(R.M.LODHA, J.)

(D.G.KARNIK, J.)